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# LETTER

FROM A

GENTLEMAN in the COUNTRY,

TO A

MEMBER of PARLIAMENT in TOWN,

CONTAINING

REMARKS upon a Book lately published,  
intituled, "*The Conduct and Treatment of*  
"*John Crookshanks, Esq; late Commander*  
"*of His Majesty's Ship the Lark.*"

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L O N D O N :

Printed in the Year MDCCLIX.

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LONDON

Printed in the Year 1841

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## REMARKS, &c.

S I R,

**Y**OUR Request at this Time requires a more immediate Compliance than usual, as you want to obtain a proper Information of a Matter that seems to you of a very extraordinary and interesting Nature. I like your Curiosity: Your Brother is in the Navy, so is my Son; and who knows that it may not be their hard Fate to be involved in such a Scene of Oppression, as has happened to a Gentleman well known in the Navy, who was looked upon as an Honour to the Service, before he was marked out as the Victim of abused Power!

THIS was my principle Inducement to look into the Book intituled "The Conduct and Treatment of Captain *Crookshanks*." I was told, by very competent and experienced Judges, it was worth my Perusal and Attention. I have read it with great Deliberation;

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beration ; and therefore very frankly offer you my Opinion, which is formed upon the Facts as they arose before me, with an Impartiality that I would always preserve.

PREPOSSESSIONS are dangerous ; let us search for Truth. The Affair of Captain *Crookshanks* may be industriously and artfully overlooked ; but I assure you, whatever may be the Opinion of some, there are many sensible and experienced Gentlemen in Maritime Affairs, whom I have heard mention this hard Case with Compassion and Resentment.

I AM told, a certain grave, sententious Gentleman should say, that Capt. *Crookshanks* deserved to be hanged : That he knew it was the Opinion of a Noble Lord ; and that it was impossible his Lordship should be misinformed. Such captious, positive, inflexible Men, should be left alone : The humane, generous, and intelligent Part of the World will consider and judge for themselves. Your Confidence in me is not misplaced ; for I will never oppose my Opinion to direct yours. You may believe what I say, and found your Opinion upon the Case, from the following ingenuous Observations. You are  
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in the Scence of National Business, and have  
 not Leisure to look at every thing; but let me  
 recommend this to your serious Consideration.

It is very apparent, that Capt. *Crookshanks*  
 by a mis-timed Humanity to Capt. *Erskine*,  
 cast himself into the Power of his Enemies,  
 who took the Advantage, and have severely  
 scourged him for omitting to put Captain  
*Erskine* under an immediate Arrest, as in  
 strickness he ought, and would have done,  
 if he had sufficiently regarded his own Safety.  
 His Innocence seems to have led him into the  
 Mistake : He wanted " a fair, open, and im-  
 " partial Enquiry into the whole of this  
 " Transaction." But Captain *Erskine* and  
 Admiral *Knowles*, took indefatigable Pains  
 to preclude him from such Justice in *America*.  
 That Justice has been withheld too in *England*,  
 and in a Manner scarce to be credited, if it  
 was not authenticated by such Facts, Names,  
 and Circumstances as would certainly be con-  
 tradicted, if all he relates had not the Support  
 of Truth.

LET us view the Charge in its utmost La-  
 titude. Capt. *Erskine* accuses Capt. *Crook-*  
*shanks*, his Commodore, " with not at-  
 B 2 " tacking

“ tacking the Enemy in point-blank Shot  
 “ running from the Enemy, and giving n  
 “ Assistance to the *Warwick*.” It appear  
 that Capt. *Erskine* exhibited his Complain  
 and Charge in an unfair and clandestine  
 Manner : But is it not surprising that he did  
 not appear to support his Charge, and vind  
 dicate his own Conduct, which has been  
 frequently impeached, but always overlook'd

THE Accusation of Capt. *Crookshanks* ex-  
 tended to Life, as well as Character and Sta-  
 tion. You may think the Charge has been  
 proved, because Capt. *Crookshanks* fell un-  
 der the Sentence of a Court-Martial : But  
 you will find him nevertheless innocent of  
 the Charge ; for that Sentence is incon-  
 sistent with the Resolves upon which it is  
 founded.

REVERSE the Picture, and let us see what  
 Capt. *Crookshanks* says in his Defence. You will  
 there find the Sentiments of a skilful Officer.

HE describes the Chase and Engagement  
 with great Precision as a Seaman ; and he  
 approves himself such by his Conduct. I  
 think, the greatest Fault he committed, was  
 in

in chafing out of his Courfe, and laying  
himself open to the thirteenth Article of  
War. If he had taken the *Glorioso*, he  
might have answered for it: I will not trou-  
ble you with Sea-Phrases, and indeed Capt.  
*Crookshanks* has avoided all Perplexity of that  
Kind: He speaks intelligibly, and seems to  
feel what he speaks. You will find in his  
Letter to the Hon. *Henry Legge*, Esq; a con-  
cise Description of the whole Engagement,  
and a modest Exculpation of himself.

IN my Opinion, Capt. *Crookshanks* has  
fully refuted the whole Charge laid against  
him by Capt. *Erskine*, and how the Court-  
Martial could act with any Degree of Se-  
verity against him, or that they did not ho-  
nourably acquit him, is to me astonishing.  
Not only the Injustice, but the Malice of  
the Charge, are sufficiently exploded, which,  
one would think, might have served to di-  
rect the Hand of Power whom to favour;  
and whom to chastise.

CAPTAIN *Erskine*, wanted to play the  
Hero, or he would not have given such a  
Misrepresentation of his tacking, and attack-  
ing, as appears in the Beginning of his Com-  
plaint

plaint against Capt. *Crookshanks*. The whole Stress of the Charge consists in a malicious Insinuation, that Capt. *Crookshanks* was guilty of Cowardice ; since Capt. *Ersine* expressly asserts, that Capt. *Crookshanks* “ ran from “ the Enemy, and never returned to his “ Assistance”. But an unanimous Resolve of the Court-Martial, acquits him of any *Suspicion* of that Kind.

To view the Evidence that was given on the Trial, any Man would think that Capt. *Crookshanks* had disproved every Part of the Charge. If not, what could prompt Admiral *Knowles* to desire that Capt. *Crookshanks* “ would dispatch to finish the Evidence, and call as few Witnesses as possible.” The Admiral urged, that the Fleet was under a Necessity of sailing in a Day or two : But that was only to mask his Partiality, which was fully shewn ; for the Fleet did not sail till almost a Fortnight afterwards. This was a poor, mean, and cruel Artifice ; as it was exposing the Life of one Man to save another. I say Life, for Capt. *Crookshanks* had his attacked by the Words of the Charge : Therefore, he should not have been desired to shorten his Evidence,

Evidence, if the Court were not of Opinion that the Charge was invalidated. No, in that Case, the Judges should be Council for the Prisoner, who should not be deprived the Use of all regular Means for his Defence. The Reputation of an Officer is such a delicate Thing, that Life is of little Importance without it; and it certainly was the Duty of the Members constituting that Court Martial, to have encouraged, and incited Capt. *Crookshanks*, to produce all the Evidence he could in Vindication of his Life and Honour. It appears, that Capt. *Crookshanks* could have called a great Number of Witnesses, whose Names he had given to the Judge-Advocate; but he complied with the Admiral's unreasonable Request, and shortened his Evidence; he might have safely rested his Cause there: He had proved enough to remove the Charge; he had all the Reason in the World to expect nothing less than an honourable Acquittal. Yet he was *dismissed*, and *cashiered*! For what! Was it for Misconduct in not tacking? He was thought guilty of no more by his Judges; and they might have seen, that Charge was unsupported by any Evidence. The Resolves and  
Sentence



Sentence implied only an Error in Judgment. But the Punishment inflicted and continued is widely disproportionate to the Offence, admitting it to have been fully proved.

LET us observe that Capt. *Crookshanks*, in answer to the Charge of Capt. *Erskine*, shewed the Court, that the *Lark* was within Point-Blank Shot, and that he used his best Endeavours to support the *Warwick*. This is fully proved throughout the whole Course of the Evidence ; as also that Captain *Crookshanks* was resolved to renew the Engagement and attack the Enemy seperately, which he would have done, if he had not been prevented by Capt. *Erskine*, who made a Signal of Distress, and Capt. *Crookshanks*, in Obedience to an exprefs Article of War, was obliged to discontinue the Chase.

WHAT is called the Crown-Evidence, contains nothing relating to the Courage of Capt. *Crookshanks*, except the Question put from the Court to Mr. *Caboone*, the Lieutenant of Marines, who was asked, Whether he observed any Backwardness, or Signs of Fear in Capt. *Crookshanks* while running up to the Enemy, and *particularly* while engaged ?

gaged. His Answer was " he did not observe  
 " any, or any thing, but what seemed to  
 " him consistent with the Behaviour of a  
 " prudent and good Officer."

HOWEVER, the Court-Martial passed a Sentence which can never be justified. They agreed, " that Capt. *Crookshanks* by his Misconduct and imprudent Behaviour, fell  
 " under Part of the 14th Article of War;  
 " and therefore they thought fit to adjudge  
 " him to be dismissed, and cashiered during  
 " his Majesty's Pleasure."

THE Resolves of the Court-Martial, on which this Sentence was grounded, is inconsistent with the Sentence itself. The fourth Resolve was, " That Capt. *Crookshanks* was  
 " guilty of a Misconduct, in not tacking  
 " when he saw the *Warwick* first engaged." This is proved erroneous; though the Court-Martial founded their severe Sentence on that Resolution. The whole Mismanagement is proved upon Capt. *Erskine*: And the Imprudence alledged in the second Resolve against Capt. *Crookshanks*, is disproved. The first and third Resolves are immaterial; but sufficiently answered. The fifth Resolve acknowledges,

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ledges, " that Part of the Charge is not fully proved." To this it is answered, that " the Charge implies Cowardice ; and nothing else seems to be meant ; therefore, " no Part of the Charge is proved ; for, by " the sixth Resolve, the Court did unanimously acquit Capt. *Crookshanks*, of the " *Suspicion* of Cowardice, Disaffection, or " Want of Zeal." It is very remarkable, that this last Resolve, was pronounced by the President of the Court-Martial, who was exasperated to find it omitted by the Judge-Advocate. This is acknowledged by the President himself : What then must you think of the Judge-Advocate !

It was with great Difficulty that Captain *Crookshanks* could obtain a Court-Martial, after being confined all the time Mr. *Knowles* thought proper to take him from *Louisbourg* to *Barbadoes*, and from thence to *Jamaica*. That was severe Treatment indeed ; and it looks as if they expected that the Heart of a gallant Man must have been broke, under such a complicated Scene of Oppression, which would have stopt all Enquiry. The Gentlemen who composed the Court-Martial, seemed to have been imposed upon and misled ;

sed; otherwise, as Gentlemen and Men of Honour, they would never have pronounced a Sentence which is contradicted by their own Resolves. A Sentence absurd, as well as cruel: But its Absurdity sprung from the Craft of an artful Hand; and its Cruelty, from Inattention, want of Discernment, or undue Influence over some, who would never have joined in such a Sentence, if they could have foreseen the unhappy Consequences that have attended it.

THERE are such Things as Worms of Power, who destroy unseen, and are always at Dark Work, but they must be seen at last. Could you, or any Man, believe that any Person should have the Effrontery to mutilate the Sentence, or Resolves of a Court-Martial? It will hardly gain Credit; yet, in this Instance it appears true

It was the 6th of *February* 1748, when Capt. *Crookshanks* first applied in *Jamaica*, to the Deputy Judge-Advocate, for an attested Copy of the Resolves and Sentence of the Court-Martial, he soon obtained the latter, but was refused the former by Order of the Admiral, who had his Reasons no doubt,

Capt. *Crookshanks* applied to the Lords of the Admiralty after his Arrival in *England*, and they ordered their Secretary to furnish him with a Copy of the Resolves, as they were transmitted to their Office.

THE Judge-Advocate omitted to read the sixth Resolve : The President challenged him upon the Omission, and pronounced it himself. This was confirmed by the Members ; and one of them said, Capt. *Crookshanks* had only mistaken in Point of Time. But there was a Combination against Capt. *Crookshanks* out of Court, by Persons who had it in their Power, and not less in their Inclinations, to mutilate the Resolves, and to send them in what Light they pleased to the Board of Admiralty, where a Prepossession had been already sown in Prejudice of Capt. *Crookshanks* who was still to be hunted down as a Sacrifice to Envy and Pride.

THE Copy of the Resolves which Capt. *Crookshanks* obtained from the Secretary of the Admiralty, seem very different from those made by the Court-Martial. They are set forth in *Page 123* ; where they appear



ear as if they were another Set of Resolves  
 from the genuine ones set forth in *Page 94.*  
 Is it not apparent, from hence, why a Copy  
 of the Resolves was refused in *America,*  
 where it ought to have been granted ac-  
 cording to Custom? Those transmitted to  
 the Admiralty-Board are false and spu-  
 rious. Was it to impose upon those who  
 presided there? Or, was it to cloak the In-  
 justice that had been committed in *America?*  
 The Resolves are a Part of the Records of  
 the Court, and should have been as invio-  
 lably preserved.

THE genuine Resolves were six, and  
 comprehend no part of the Sentence. The  
 spurious Resolves are only three, the last of  
 which contains Part of the Sentence. Capt.  
*Crookshanks* immediately complained to the  
 Secretary of the Admiralty, that these Re-  
 solves were nothing like the same with those  
 read in Court: And he has produced the  
 Authority of the President of his Court-  
 Martial, to prove that the Resolves set forth  
 by himself are genuine; consequently, those  
 he received from the Secretary of the Ad-  
 miralty are spurious. The President, in his  
 Letter to Capt. *Crookshanks*, *Page 140.* tells  
 him

him in these Words, “ The sixth Resolve  
 “ in the Copy you sent me, I do perfectly  
 “ well remember (upon the Neglect and  
 “ Omission of the Judge-Advocate) to have  
 “ been pronounced by myself in the Man-  
 “ ner following : Sir, the Court do, by an  
 “ unanimous Resolve, acquit you of the  
 “ Suspicion of Cowardice, Disaffection, or  
 “ the Want of Zeal”

WE are told, the Judge-Advocate was not content with omitting the sixth Resolve : But he afterwards altered it, and blended it with another Resolve, in which the Words *Want of Zeal* were omitted. If so, this is a shameful and unprecedented Mark of Injustice ; nor is any Man safe in the Power of People who first threaten to take away Life by every invidious Artifice, and afterwards break through the sacred Forms of Law, to perpetrate their malicious Designs.

WE live in a free Country, where every Member of the Community ought to receive the full Force and Benefit of the Laws. This is very evident from Magna Charta, and the Bill of Rights ; but more conspicuous in the Habeas Corpus Act, which has  
 provided

provided that no Subject shall be hurt by the  
 Land of Power. Infallibility does not be-  
 long to human Beings ; the best Man may  
 err, or be deceived : Juries have repented of  
 their Verdict ; and Judges of their Sentence :  
 but it is the Duty of honest Men to acknow-  
 ledge their Error when they find their Mis-  
 take : Worthy Men in Service are under  
 many Restraints, open to common Decep-  
 tion, and liable to undue Influence. But  
 it is to be hoped there are few Men who  
 would forget the Dignity of Rank, the Glow  
 of Honour, and the Purity of Justice, by  
 giving themselves up to a mean and impru-  
 dent Confidence in one Person, who might  
 make false and artful Impressions on them  
 which they might afterwards discern and be  
 ashamed to own. What shall we think of  
 Discipline, when a junior Officer is permit-  
 ted, nay even encouraged, to make an Ac-  
 cusation against his senior Officer, who had  
 a heavy Charge against him, not only for  
 Disobedience, but even of as much as ac-  
 counted to Cowardice ? What can we say  
 of Court-Martials, if we see a Man hunted  
 out of his Command, and the Records of  
 the Court altered to make him look criminal,  
 when in Fact, he was acquitted ? Should  
 not

not such Proceedings be revised, and their Authors punished, by those invested with superior Authority?

THERE never was a more glaring Instance of a confederate Kind of Partiality to destroy the Reputation of a Man, than what appears throughout the whole of this Affair. Capt. *Erskine* is not so culpable as others ; he had indeed disobeyed Orders, took upon him to act independantly of his superior Officer, frustrated his Design of attacking the Enemy to advantage, and imprudently drew upon himself a separate Engagement. Captain *Crookshanks* treated him with too much Tenderness ; yet Capt. *Erskine* was too conscious of his own Misconduct to think it would pass without Enquiry ; and therefore he took the Advantage, first, by clandestinely sending away Lieutenant *Hughes*, when the *Montagu* Bilander parted Company for *Louisbourg*, with a Complaint to Commodore *Knowles* against Capt. *Crookshanks*, and afterwards parting from his commanding Officer contrary to Orders.

MR. HUGHES left the Squadron 9 Days after the Engagement, and arrived at *Louisbourg*

burgh, nine Days before the Arrival of the *Warwick*. This *Hughes* was a Lieutenant recommended to Commodore *Knowles*, and was only a Passenger on board the *Warwick*. When Capt. *Crookshanks* went on board that Ship, immediately after the Engagement, he found Mr. *Hughes* on the Quarter-Deck, and asked him how they could be so hasty in firing the Gun as a Signal of Distress ? Mr. *Hughes* replied, he knew (a) nothing of any Gun being fired. That Gun carried a 24 Pound Shot, and was fired just under Mr. *Hughes*, who upon the Trial of Capt. *Crookshanks* deposed (b) that a Gun did go off. You may form your own Opinion of this Gentleman's Veracity ; and may imagine what Kind of Emissary he was, to carry the Complaint of Capt. *Erskine* to Commodore *Knowles*, who become instantly prejudiced against Capt. *Crookshanks*, without waiting to know what he could say in his own Vindication. It was a very unjustifiable Step in Capt. *Erskine*, to take the Liberty of sending any Person out of his Ship without the Knowledge of his commanding Officer ; And it was a very extraordinary thing for

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Commodore *Knowles* to act so unbecomingly to the Character of a Commander in Chief, and to receive the Complaint of a junior against a senior Officer, whose Arrival was daily expected, in consequence of his own Order. The Commodore, in his extraordinary Way, precipitately took the Matter into Consideration, and formed his Opinion of the whole Transaction on the single Authority of the Account given him by Mr. *Hughes* ; which Opinion he hastily sent to the Duke of *Bedford* and Lord *Anson*. Hence might arise a Prejudice against Capt. *Crookshanks* at the Board of Admiralty, whose Members might easily be imposed upon at that Distance, by a Misrepresentation of Facts and Circumstances.

CAPTAIN CROOKSHANKS arrived at Newfoundland the 13th of *August* ; and the 15th he received a Letter from Commodore *Knowles*, informing him, that he had a Complaint against him from Capt. *Erskine* and that he must immediately repair to *Louisbourg*, to answer the same at a Court-Martial. Capt. *Crookshanks* arrived at *Louisbourg* on the 4th of *September*, and was received with an affected Civility by Commodore *Knowles*.

*Knowles*, who declared the high Regard he had for him, and said, he was the last Man he should have suspected to be charged with behaving in the Manner Capt. *Erskine* had exhibited to him. Capt. *Crookshanks* assured the Commodore, that he could prove very unwarrantable Behaviour against Captain *Erskine*, and that he was confident the ill Success would appear to be owing to his Mismanagement alone. But the Commodore had already decided the whole Affair, by sending his partial Opinion to *England*; and as he had begun, he was determined to end it in that Manner, rather than appear to alter his Opinion, or acknowledge himself in an Error, and that he had been deceived by *Hughes* and *Erskine*.

If the Commodore had acted with Impartiality, and agreeable to his Station, he would have ordered both Captains to be tried, as each had complained of the other; and Capt. *Erskine*, as the junior Officer, should have been tried first. But Mr. *Knowles* told Capt. *Crookshanks* he should be tried by Commodore *Legge*, who was stationed off the *Leward Islands*: And Capt. *Crookshanks* then declared, that his Defence would greatly consist in

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charging

charging Capt. *Erskine* with disobedient and unwarrantable Behaviour. Capt. *Crookshanks* was desirous of being tried as soon as possible ; but his Trial was put off from time to time, till they got to *Jamaica*, attended with many aggravating Circumstances : While it was thought proper to screen and countenance Capt. *Erskine*, who never was brought to any Kind of Trial, nor was Captain *Crookshanks* permitted to bring the Conduct of his Adversary in Question, though it was necessary for him to do it in his own Defence.

MR. KNOWLES suspended Capt. *Crookshanks*, and gave the Command of his Ship to Mr. *Hughes* : While Mr. *Erskine* was appointed Captain of the *Canterbury*, on board which Ship, the Commodore hoisted his Broad Pendant. This was a very striking Instance of Partiality, and served to increase the Prejudice which the Commodore himself had infused among the Squadron, against Capt. *Crookshanks*, ; for he went on Board the *Warwick*, and thanked the Officers and Men for their gallant Behaviour in the Action ; and said, the *Lark's* Company would have behaved as well, if their Captain had led them to the Engagement. Such

Procedure

Proceedure was ungenerous, and beneath the Dignity of the Commander in Chief of a *British* Squadron, whose Opinion, right or wrong, must Influence his Officers, and of course become adopted throughout every Ship in the Squadron. Calumnious Reflections, and malicious Insinuations, were every where thrown out by Capt. *Erskine* and Mr. *Hughes* against Capt. *Crookshanks*, to blast his Character and load him with Infamy: Every Obstruction was thrown in his Way to render him unprepared for his Defence; and his Trial was shamefully procrastinated.

THE first Notice of Trial that Capt. *Crookshanks* received, was sent him in a very indecent and disrespectful Manner, on the 7th of *January*; but, on the 11th, the Day appointed for the Trial, after the Signal was made for all Captains, and they were met, Commodore *Knowles* sent for Captain *Crookshanks*, and told him before them, that he could not be tried till he came to *Jamaica*. Those Captains perceived this was a great Shock to Capt. *Crookshanks*, who had suffered four Months Imprisonment, and to whom the least Delay of Trial must be very mortifying, under his severe Treatment and hard

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Circumstances. He was tried at *Jamaica*, where he had not the *Benefit of confronting* his Accuser, and was treated in a shameful Manner by the Judge Advocate.

MAJOR *Laurence*, and three other Gentlemen, were Passengers on Board the *Lark*, at the Time of the Engagement; and Capt. *Crookshanks*, when they arrived at *Louisburgh*, requested of Commodore *Knowles*, that their Depositions might be taken, and admitted as *viva voce* Evidence. The Judge-Advocate took their Depositions, which were not produced in Court, nor permitted to be read on the Trial. Capt. *Crookshanks* was not allowed the Copies of any Depositions; but those Gentlemen favoured him with the Purport of theirs, duly legalized before Governor *Hopson*.

THE Judge-Advocate informed Capt. *Crookshanks*, that if the Deposition of any Witness was made before a Notary-Public, it would be admitted on his Trial as Evidence. However, he would suffer no such Depositions to be even read, because they might influence the Court in Favour of Capt. *Crookshanks*. His Disappointment, in  
this



this Respect, was aggravated by the Partiality shewn to Capt. *Erskine*, whose long Deposition was publicly read in Court, where he did not appear himself, as he ought to have done, to have supported his Charge. If the Judge-Advocate would not admit of such Evidence, he should not have permitted that Deposition to be read in Favour of Capt. *Erskine*, without granting the same Indulgence to Capt. *Crookshanks*, who had applied to the Judge-Advocate for Copies of the Depositions, which were forbid by the Commodore, after the Judge-Advocate, under his own Hand, had promised to send them to Capt. *Crookshanks* when collected.

THE Judge-Advocate, instead of granting Copies of the Depositions, told Captain *Crookshanks*, " He could not find, " he was to be his Advocate; but it " was the Duty of his Office to destroy " him if he could." And yet he had told him, " He should always be ready to " render him any Services consistent with " his Office." Snares were laid, and Means used, to influence those who were to give in their Depositions, and Copies of those that  
were

were taken were shewn about. This was inconsistent with the Office of the Judge-Advocate, who also took the Depositions of several Persons in the Hearing of others that had not deposed, and those Depositions were suffered to lie open to public View. He seems to have forgot the Nature of his Office, and to have sunk beneath himself in his judicial Capacity. It was very extraordinary in him to disclose his Opinion to any Person on the Contents of the Depositions, and much more to condescend to hold a Familiarity with the common Seamen on Board the *Lark*. What think you were his Views, in thus abusing his Office, and degrading himself? You may imagine, as he was the Servant of the Commodore, he was only the Implement of Power. There is an Inconsistency of Character in this Man. He acknowledged, " That he could not conceive, by what he had found in the Depositions, how Capt. *Erskine* was to prove the Charge." He was sensible it could not be proved, and that Capt. *Erskine* was afraid to appear and vindicate himself. But the Commodore had rashly undertaken to represent what he now knew to be a Misrepresentation: He had flounced over Head  
and

and Ears into the Matter, had misplaced his Confidence, and was afraid to expose his own Imprudence and Partiality : Therefore, an undeserved Oppression must be continued, and supported by irregular Proceedings ; for the Cause of Capt. *Erskine*, now became the Cause of Commodore *Knowles* ; the former had imposed upon the latter, who took him under his Protection, and both must be justified together.

LIEUTENANT *Caboone's* Deposition was rejected. Mr. *Crispo*, the second Lieutenant of the *Lark*, was brow beat by the Judge-Advocate. What then must have been the coercive Power upon the common Men ? Did the Judge Advocate reject great Part of what they had drawn up ? Did he say it was Nonsense, or foreign to the Purpose ? It appears he did ; as also that he neglected to take the Depositions at *Louisbourg*, when the Facts were recent, and the least Circumstance might have been recollected. But it was determined, that Capt. *Crookshanks* should not have the Benefit of a speedy Trial : It would serve his Cause, and endanger Capt. *Erskine*, who had now covered himself with the Commodore's own Cloak. Ninety-three  
E Days

Days elapsed without taking one Deposition. Why? The Delay of the Trial was too conspicuous to pass unnoticed; and it was thought proper to charge Capt. *Crookshanks* with the Delay. A strong Report was spread, that he had made an Application to the Commodore for postponing his Trial: The Report, indeed, could gain no Credit; and Capt. *Crookshanks* told Commodore *Knowles* he must be sensible the real Fact was quite the Reverse. But the Commodore was cautious of giving any answer to silence such a vile Aspersions.

I NEVER before met with such an oppressive, barefaced, unjustifiable scene of Partiality: It should be detected, that others may be deterred from making a bad Use of Power. It began at *Louisbourg*, was carried to *Barbadoes*, and continued at *Jamaica*. It was the 4th of *September* 1747 when Capt. *Crookshanks* arrived at *Louisbourg*; and it was the 1st of *February* 1748 before he was brought to his Trial at *Jamaica*; during which Time he underwent the severest Mortifications; and nothing but a Consciousness of his Innocence could have supported him under his Distress. Before the Trial, Capt. *Crookshanks* was insulted.

ted in his Cabbin by Mr. *Hughes*, who  
 ed, " He had Orders, from the Com-  
 modore, to prevent his having any pri-  
 vate Discourse with the Officers." If the  
 Commodore gave such Orders, it shews his  
 partiality : If not, Mr. *Hughes* was very im-  
 pertinent, and Capt. *Crookshanks* is to be  
 commended for treating him in the Manner  
 deserved. When the Trial commenced,  
 Admiral *Knowles* intimidated, every Person  
 under his Command, from assisting Capt.  
*Crookshanks* in writing for him ; which was  
 a laborious a Task for a Man to undergo,  
 who was afraid of leaving himself naked and  
 open to the Judge-Advocate, after his in-  
 human Declaration.

Mr. *Knowles*, had taken an unprecedent-  
 Measure in not bringing Captain *Erskine*  
 to a Trial before Capt. *Crookshanks* : And  
 the Judge-Advocate began the Trial with  
 an extra-judicial Proceeding as may  
 be no Precedent in Cases of this Nature.  
 He would allow of none but *viva voce* Evi-  
 dence : Yet he suffered two Letters to be  
 publicly read in Court from two Clergy-  
 men, who knew nothing of the Matter ;  
 and he also read himself a very long Depo-  
 sition



sition made by Capt. *Erskine*, which he introduced with a strange Apology, and said he did not doubt that Deposition would be regarded, and have its due Weight. The Court said, it could have no Weight !

As Captain *Erskine's* Deposition was read by Capt. *Crookshanks*, expected he might have been indulged to read his Defence: He asked Leave, but was refused, because it was thought irregular. There would have been no greater Breach of Regularity in reading his Defence, than in reading the Deposition of his Adversary, which was a Corroboration of the Charge ; and though the Court said it had no Weight, it certainly had much Influence.

CAPTAIN *Crookshanks* informed the Court, that he had drawn up a Complaint against Capt. *Erskine* : But he was not permitted to ask any Questions relating to the Conduct of his Adversary ; because the Judge-Advocate said, “ that such (a) Questions tended only to *fish* out Matters whereon more fully to found and strengthen

“ a Complaint against Capt. *Erskine* ; and  
 “ that as he *would be tried*, they might then  
 “ properly fall in Course.” Capt. *Crook-*  
*shanks* made a very pertinent Reply, and  
 shewed the Necessity he was under to ex-  
 amine into the Conduct of Capt. *Erskine* in  
 Justification of himself ; because the Ope-  
 rations of the two Ships were so interwoven,  
 and dependant on each other, that the An-  
 swers to Questions regarding the one, would  
 illustrate the Management of the other. But  
 the Judge-Advocate prevailed, and imposed  
 on the Court, by assuring them that Capt.  
*Erskine* would be tried ; which was never  
 done, though repeated Applications have  
 been made for that Purpose, and to this  
 Minute he is answerable for his Conduct, as  
 well as he who skreened him from Justice.

THIS Partiality was carried on in *Ame-*  
*rica*, and Capt. *Crookshanks* afterwards found  
 it had created a great Prejudice against him  
 in *England*. That Prejudice has been in-  
 surmountable : It was sown in a hard Soil,  
 where it took too deep a Root to be remov'd ;  
 which is explained in *Page 131* and *136*.

THE Sentence has been already shewn; and was never intended by the Members of the Court-Martial, other than as a temporary Punishment for an Error in Judgment, not to be continued as a perpetual Act of Severity. If Capt. *Crookshanks* had been allowed to enquire into the Conduct of Capt. *Erskine*, he might have exculpated himself, and have been honourably acquitted: But no Question was admitted to be asked, and answered, at his Trial, that had the least Tendency to involve Capt. *Erskine*. This (a) appears to have been done upon a Pretence, maliciously advanced, and pleaded by the Judge-Advocate, to misguide and deceive the Members of the Court, whom he told, their present Business was confined to try Capt. *Crookshanks* only, and they were to expect another Opportunity to enquire into the Conduct of Capt. *Erskine*: Therefore, they must suspend all such Questions and Enquiry, till Capt. *Erskine* had an Opportunity to make his Defence, before that, or some other Court-Martial, which would soon be appointed for his Trial.

A MAN of Honour would seek a Trial; which Capt. *Erskine* has rejected. This is  
very

very strange, when we consider that a regular Complaint was laid against him, by Capt. *Crookshanks* to Admiral *Knowles*, on the third of *February* 1748. That Complaint consisted of five Articles, charging him with Disobedience, in not obeying the Signal to chase: With not proceeding to attack the Enemy; but tacking, and engaging in a confused disorderly Manner; quitting the Enemy with inconsiderable Loss, when the *Lark* was coming to his Support; and separating from his commanding Officer without waiting for the appointed Signal. Capt. *Crookshanks*, on the 21st of *July* 1747, wrote to Commodore *Knowles* for a public Enquiry, and was very tender in making the first Complaint, that he might avoid all Suspicion of foreclosing any Evidence that Capt. *Erskine* could give. But Capt. *Crookshanks*, by this ill-timed Lenity, unhappily foreclosed himself from the Advantages he must have obtained, if Capt. *Erskine* had been tried.

CAPTAIN *Crookshanks*, upon the third Day of his Trial, informed the Court, that he had a Complaint against Capt. *Erskine*, and by their Advice, sent it to Admiral *Knowles*, who flew into a Passion, and said, “ what  
“ does

“ does he mean by plaguing me with his  
 “ Complaints ? He may write to the Lords  
 “ of the Admiralty : I will have nothing to  
 “ do with it.” Capt. *Crookshanks*, soon after,  
 again offered his Articles of Complaint against  
 Captain *Erskine* to Admiral *Knowles*, and  
 desired that a Court-Martial might be order-  
 ed. The Admiral told him, he would con-  
 sider of it. At another Time, he said, he  
 was very busy. But Capt. *Crookshanks* per-  
 severed in his Application to have Captain  
*Erskine* tried. The Admiral trifled about  
 it for some Days ; and then, told Captain  
*Crookshanks*, he was advised, it was not in his  
 Power to bring Capt. *Erskine* to a trial : But  
 that he would summons the Captains, and  
 ask their Opinions. He said they were of the  
 same Opinion with himself ; though it appear-  
 ed, he never asked their Sentiments, or spoke  
 a Syllable about it to any of them ; if he had,  
 they would have told him that Capt. *Erskine*  
 ought to be tried. The Admiral, himself,  
 acknowledged, that Capt. *Erksine* should  
 desire to be tried, and expressed a Concern  
 that he had not ordered him to be tried before.  
 At last, he told Capt. *Crookshanks*, he could  
 not think he had Authority to try Captain  
*Erksine*, without particular Orders from the  
 Lords



Lords of the Admiralty, to whom he would transmit the Letters, and desire their Instructions. This was only Amusement ; for the Admiral soon after told some Gentlemen, that Capt. *Crookshanks* was applying at Home to have Capt. *Erskine* tried ; “ but that he had “ taken Care to put a Spoke in the Wheel.” In this Manner, Capt. *Erskine* was screened from a Trial in *America*, upon a Charge for which he was accountable to his King and Country. If the Admiral thought him guilty, he should have brought him to a Trial : And if Capt. *Erskine* thought himself innocent, he should have insisted upon a publick Opportunity to have got his Acquital.

It may be easily seen why this Matter was stifled in *America* : But it is difficult to discover why it was also suppressed in *England*, after Capt. *Crookshanks* arrived there, and applied to the Admiralty Board for a Review of his own Trial, and that Capt. *Erskine* might be tried, which would enable Capt. *Crookshanks* to exculpate himself from the Charge laid against him. Capt. *Crookshanks* had the Mortification to find the Application attributed to a recriminating Temper ; and to be told, that he “ ought to have applied “ abroad, in proper time, to his Commander

“ in Chief, if he intended to have brought  
 “ Capt. *Erskine* to a Trial.” He replied, he  
 had neglected nothing on his Part for that  
 Purpose : But all his Applications to vindicate  
 his own Conduct, and expose the Misconduct  
 of his Adversary, were totally disregarded.

ADMIRAL *Knowles* could not be prevailed  
 on to bring Capt. *Erskine* to a Trial in *Ame-*  
*rica*, and he took Care to prevent it in *Eng-*  
*land*, where a superior, discretionary Power  
 is lodged in the Admiralty for the Redress of  
 any extraordinary Grievance. From the  
 whole State of the Case, there are the strongest  
 Marks of an unjust Partiality ; and illegal  
 Abuse of Power ; with a long Series of Op-  
 pression, supported by mean Artifices and  
 iniquitous Practices. Capt. *Crookshanks* has  
 petitioned his Majesty to be restored to his  
 Rank ; and his Petition was referred to  
 the Lords of the Admiralty to report their  
 Opinions thereon : But no Report has been  
 made, and he still labours under the Severity  
 of a Sentence, which would never have been  
 passed against him, if he had been indulged  
 with a fair Opportunity of making a just and  
 proper Defence.

THIS is an impartial State of the Case, as it  
 appears to me ; and sorry I am to say, that  
 the

the Scourge of Oppression lay in improper Hands. Capt. *Dent*, the President of the Court-Martial, invited and carried Captain *Crookshanks* on board his Ship the *Plymouth*, from *Jamaica* to *England*; to be sure he thought him innocent of the Charge, and was concerned to see him under such a Sentence: For it is well known, that Capt. *Dent* would have shewed no Countenance, to a Man whom he suspected of Cowardice.

I WOULD not have you misled with a Notion, that the Case of Capt. *Crookshanks* is too late in the Day for Redress; or that he should have made it known long before: If he has been injured some Years ago, he ought now to be redressed when his Grievance is proved. That is now clearly done, as far as I am able to distinguish; and I am the more inclined to think so, because what he has advanced as Facts, are not contradicted or opposed, which would have been the Case, if the Face of Truth had not awed the Hand of Oppression.

THE Navy is the Bulwark of our Nation, and it is very imprudent to check the Spirit of its Officers by any despotic Proceedings. Men of known Honour have erred in Judgment, and have been punished for the sake of  
Dis-

Discipline ; but not as Criminals. Some have been hunted down upon little Misdemeanours ; and others have been elevated who they ought to have sunk. In fact, Power can do great Things, and Merit must submit if it happens to thwart.

For my Part, I think myself obliged to Capt. *Crookshanks*, for opening a Scene of Iniquity to the World ; and I shall hold fast for Truth, while I see it uncontradicted. Can his Case be a Secret to the Gentlemen of the Navy ? No : It must be minutely known to Swarms of Officers of every Class. Can they read ? Do they reflect ? Who can doubt it. It is very easy then to guess how they feel perhaps in sorrowful Silence !

I SHALL say no more ; but desire you to read the Book, and let me have your Sentiments. I think you will be of my Opinion ; if not, I will endeavour to be so yours. I have seen Oppression in the Book. Let me have no Flattery in your Letter.

*I am, Sir, &c.*

**F I N I S.**